

CHAPTER 63
EDUCATIONAL PROGRAMS AND SERVICES
FOR PUPILS IN JUVENILE HOMES

[Prior to 9/7/88, see Public Instruction Department[670] Ch 42]

281—63.1(256) Scope. These rules apply to the provision of educational programs in juvenile shelter care homes and juvenile detention homes.

281—63.2(256) Definitions. Special programs cited in 1987 Iowa Code Supplement section 282.30 shall be referred to as juvenile shelter care homes and juvenile detention homes, and shall be referred to jointly as juvenile homes.

281—63.3(256) Forms. The department of education shall provide forms to area education agencies (AEAs) for use by the juvenile home facilities requesting educational services, for submitting program and budget proposals, and for submitting claims. The annual dates for filing forms are January 1 of the prior fiscal year for AEAs to submit proposed programs and budgets, and August 1 of the subsequent fiscal year for AEAs to file claims. The department of education shall review and approve or modify the program and proposed budget and shall notify the AEA by February 1.

281—63.4(256) Area education agency responsibility. An AEA shall provide or make provision for an appropriate educational program for each child living in the following types of facilities located within its boundaries:

1. An approved or licensed shelter care home, as defined in Iowa Code subsection 232.2(34).
2. An approved juvenile detention home, as defined in Iowa Code subsection 232.2(32).

The educational programs are assigned to the AEAs with the program responsibility to be assigned by the AEA administrator within the AEA or with program responsibility to be assigned to another school corporation by a contractual agreement authorized by the AEA board of directors.

281—63.5(256) Educational program.

63.5(1) *Methods of program provision.* The AEA may provide the educational program by one of the following:

- a.* Enrolling the child in the district of residence of the child.
- b.* Delivering the educational program of the district of residence of the child in the district where the child is living.
- c.* Enrolling the child in the district where the child is living.
- d.* Enrolling the child in the educational program provided in the juvenile home facility.
- e.* A delivery method not encompassed by “a” through “d” immediately above, with approval of the department of education.

63.5(2) *Final determination.* In the absence of a decision of a court regarding a child’s educational placement, the AEA where the child is living shall make the final determination regarding the provision of the appropriate educational program for the child, in consultation with the district of residence of the child and with the juvenile home. In making this determination, consideration shall be given to:

- a.* A preference for continuance of the child’s educational program that was in place prior to the child’s placement in the facility.
- b.* Placement into the least restrictive environment.
- c.* Development of a plan for future educational programming.
- d.* Factors, including but not limited to, the child’s emotional state, the child’s safety and the safety of others, and the projected duration of stay in the facility.

63.5(3) Cooperation with area education agency. The AEA of the child's district of residence, the school district of residence, other AEAs, and other appropriate agencies involved with the care or placement of the child shall cooperate with the AEA where the child is living in sharing educational information, textbooks, curriculum, assignments, and materials in order to plan and to provide for the appropriate education of the child living in the facility.

281—63.6(256) Special education. The AEA shall establish policies and procedures for screening and evaluating students living in juvenile homes who may require special education.

63.6(1) Assignment. A diagnostic-educational team shall be assigned by the AEA in which each program is located. This diagnostic-educational team shall include individuals who are appropriately qualified to conduct special education evaluations and to assist in planning programs for students who are handicapped.

63.6(2) Duties. The duties of this diagnostic-educational team shall include the screening of all students for potential special education needs, identifying children in need of special education, providing needed special education support services and assisting in the implementation of needed special education programs.

63.6(3) Role of director of special education. It is the responsibility of the AEA director of special education to ensure that all procedures related to due process, protection in evaluation, least restrictive environment, development of individual educational programs and other requirements specified in 281—Chapter 41 are adhered to for handicapped students served in juvenile homes. In addition, the director is responsible for coordinating the activities of the special education program with other programs and services provided.

281—63.7(256) Educational services.

63.7(1) Assignment. Personnel from the educational services division of the local AEA shall be made available to each program.

63.7(2) Duties. Personnel from the educational services division shall assist with curriculum development as well as provide all other services that are made available to local education agencies within the particular AEA.

281—63.8(256) Media services.

63.8(1) Assignment. Personnel from the media services division of the local AEA shall be made available to each program.

63.8(2) Duties. All services that are made available to local education agencies within the particular AEA shall be made available to these programs and students.

281—63.9(256) Other responsibilities. In addition to the above-mentioned responsibilities, AEA personnel shall assist with coordination of program curricula with the curricula of the local district in which the facility is located and with the transition of students from these programs to subsequent program placement. This shall include the establishment of procedures for ensuring that appropriate credit is available to the students while participating in the program.

281—63.10(256) Curriculum. Each program shall use the minimum curriculum requirements for approved or accredited schools as a guide to developing specific content for each student's educational program. The content of each student's program shall be sufficient to enable the student to earn credit while participating in the program.

281—63.11(256) Facilities, materials and equipment.

63.11(1) *Equivalent to school districts.* Facilities, supplies, materials and equipment necessary to carry out the educational program shall be at least equivalent to those provided to a comparable number of students by the local school district in which the facility is located. Adequate work space shall be provided for itinerant and permanently assigned staff and shall be regularly available for their use. Secretarial and clerical assistance and telephone service shall also be provided.

63.11(2) *Plan for emergencies.* Each facility shall maintain a written plan containing emergency and disaster procedures which will be clearly communicated to and periodically reviewed with staff.

281—63.12(256) Maximum class size.

63.12(1) *Maximum class size.* The following class size to staff formula shall be used in determining staff-to-pupil ratios:

<u>Average Daily Enrollment</u>	<u>Full-Time Teacher</u>	<u>Educational Aide(s)</u>
10 or less	1	.5 aide with 5 or fewer students 1 aide with more than 5 students
11 through 20	2	1 aide with fewer than 11 students 1.5 aides with 11 through 14 students 2 aides with 15 through 20 students

When a single class is located in an off-site facility, a full-time educational aide shall be assigned.

63.12(2) *Monitoring class size.* The AEA shall develop policies and procedures to monitor and ensure that the educational program is provided sufficient instructional staff.

281—63.13(256) Teacher certification and preparation.

63.13(1) *Certification.* By July 1, 1991, each teacher who is assigned to these programs shall hold Iowa certification either for multicategorical special education or for behavioral disorders, or both, as appropriate to the grade level of the students served.

63.13(2) *In-service.* Each teacher shall be provided in-service education opportunities annually in behavior management, social skills curriculum and other areas as defined through needs assessments.

281—63.14(256) Aides. Educational aides shall be provided preservice and in-service opportunities consistent with duties to be performed and shall work under the direct supervision of the teacher.

281—63.15(256) Accounting. Revenues, expenditures, and balances of the juvenile home programs shall be accounted for in the manner provided in "Uniform Financial Accounting for Area Education Agencies," except as otherwise noted in these rules.

281—63.16(256) Revenues. Services for juvenile home instructional programs shall be accounted for in a special revenue fund. The financial fund balances of the programs shall be maintained in the special revenue fund at year end, and the continuance or disposition of positive or negative fund balances shall be determined by the department of education.

Revenues shall include funding received pursuant to 1987 Iowa Code Supplement section 282.31 and other miscellaneous funding received or accrued for the purpose of operating the juvenile home instructional programs.

281—63.17(256) Expenditures. Expenditures shall include instructional expenditures, student and instructional services expenditures, and tuition expenditures.

63.17(1) *Instructional expenditures.* Instructional expenditures may include:

a. Salaries and employee benefits of employees providing instructional services. Included are teachers, substitutes, other instructional personnel, and aides performing nonteaching duties.

b. Purchased services, supplies, capital outlay, and other expenses, which are customarily considered instructional expenditures. Examples include, but are not limited to, travel, equipment repair, textbooks, student supplies, and audio-visual equipment.

c. Use transfers and internal service charges for instructional services and material provided by other programs of the AEA. Examples include, but are not limited to, printed material and audio-visual equipment.

63.17(2) *Student and instructional services expenditures.* Student and instructional services programs are those comparable to accounting definitions provided to the local school districts for “student services” and for “instructional services.” Among the services included in these categories are guidance services, transportation services, and program coordination services. “Student services” are defined as those designed to assess and improve the well-being of pupils and to supplement the teaching process. “Instructional services” are defined as those designed to direct, manage, and supervise the improvement of instructional services. Student and instructional services expenditures may include salaries, employee benefits, purchased services, supplies, capital outlay, other expenses, use transfers and internal service charges associated with services of AEA staff or other school corporation staff assigned directly to the juvenile home educational program. Administrative expenditures may include:

a. Use transfers from the general fund for general administration services. The amount shall be no greater than that determined by using the restricted indirect cost rate calculated in the department of education’s “Uniform Financial Accounting for Area Education Agencies.”

b. Use transfers from the general fund for division administrative services. Proposed program and budget forms shall explain in detail the necessity for division administrative costs and the expenses shall be correlated to the amount of the administrator’s time assigned to the juvenile home program.

c. Expenditures for the administrative services of administrative staff assigned directly to the juvenile home program. Proposed program and budget forms shall explain in detail the necessity for program administrative costs. Added justification is required if both program and division administrators are included.

63.17(3) *Tuition expenses.* Tuition expenses may include:

a. Tuition expenses for juvenile home students not requiring special education who attend a local school district, other than the district of residence, calculated in the manner prescribed for determining tuition costs for any nonresident student.

b. Tuition expenses for students requiring special education, to be paid by the district of residence of each child requiring special education in accord with the rules of special education.

63.17(4) *Unauthorized expenditures.* Expenditures shall not include expenditures for debt services, for facilities acquisition and construction services, or for operation and maintenance of plant services except for rental expenditures for classroom facilities when adequate space is not available at the juvenile home or AEA. As required by rules 63.6(256), 63.7(256), and 63.8(256), juvenile home students shall have available to them special education support services, educational services, and media services comparable to those services made available to other students in the AEA; however, expenditures for these services are inherent costs to the respective AEA programs and are not to be assessed to the juvenile home educational program.

281—63.18(256) *Expenditure claims.* AEAs shall submit program and budget proposal claim forms and expenditure claim forms consolidating all juvenile home education programs within each AEA. Separate accounting will be required for summer school programs. Certain program information may be required for each separate juvenile home.

281—63.19(256) *Summer school programs.* Summer school programs, as distinguished from extended year programming, may be operated pursuant to Iowa Code subsection 282.31(5), and shall be considered as separate programs in each facility. The fiscal year for a juvenile home program is from July 1 through June 30. Program and budget proposals submitted to the department of education prior to January 1, pursuant to 1987 Iowa Code Supplement section 282.31, may include requests for summer school programs, or portions of summer school programs, commencing July 1 of the subsequent fiscal year and summer school programs, or portions of summer school programs, ending June 30 of the subsequent fiscal year.

Proposed budget and program applications shall include detailed information substantiating the valid educational reasons for a summer program. The reasons shall demonstrate that the necessity for a summer program beyond the regular school year is based upon identified student needs.

These rules are intended to implement Iowa Code subsection 256.7(5).

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